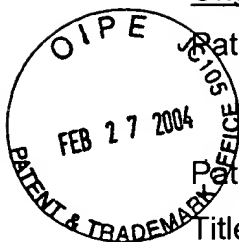


#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Original Patent



Patentees: William A. Phillips  
Mario Paparo  
Piero Capocelli

Patent No.: 5,936,451

Title: DELAY CIRCUIT AND METHOD

Issued: August 10, 1999

Atty Dk No.: 95-L-024C3

**RECEIVED**

**MAR 03 2004**

Reissue Application

Applicants: William A. Phillips  
Mario Paparo  
Piero Capocelli

Serial No.: 09/927,426

Title: DELAY CIRCUIT AND METHOD

Filing Date: August 10, 2001

Atty Dk No.: 95-I-024C3RE (1678-41)



**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24th day of February, 2004.

  
Signature

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

February 23, 2004

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

In response to the Notice of Abandonment Under 37 CFR 1.53(f) or (g) dated December 12, 2003 (copy enclosed preceding Exhibits 1-6), Applicants' attorney submits the following:

## **STATEMENT OF THE FACTS**

Following are facts supporting the conclusion that the Notice of Abandonment Under 37 CFR 1.53(f) or (g) mailed December 12, 2003 in the above-identified reissue application is erroneous and should be withdrawn.

1) Applicants' attorney received a Notice to File Missing Parts of Reissue Application dated October 3, 2001. This Notice instructed Applicants to file the required filing fees and a signed oath or declaration. A Reissue Supplement Notice to File Missing Parts of Application attached to the Notice to File Missing parts of Reissue Application required the reissue specification in double-column format. Copies of both the Notice to File Missing Parts of Reissue Application and Reissue Supplement Notice to File Missing Parts of Application are attached hereto as Exhibit 1.

2) On March 4, 2002, Applicants' attorney filed a Response to Notice to File Missing Parts of Reissue Application by Express Mail. Included in this Response were the required filing fees and executed First Reissue Application Declaration by the Inventors. Applicants' filed a copy of the patent application returned stamped postcard and the original Certificate of Express Mail, showing that the patent in double-column format (copy of Patent No. 5,936,451) was filed with the reissue application. But the Applicants' attorney does acknowledge that item 7 of "Response To Notice To File Missing Parts Of Reissue Application" is confusing because it refers to the resubmission of the reissue specification in one-column, not two-column, format. In addition, an Assent of Assignee, Certificate Under 37 C.F.R. § 3.73(b), and Request for Extension of Time were also filed in response to the Notice to File Missing Parts of Reissue Application. A copy of all filed documents in response to the Notice to File Missing Parts of Reissue Application, as well as the Express Mail label, are attached hereto as Exhibit 2.

3) We enclose as Exhibit 3 a copy of the PTO stamped returned postcard from our Response to Notice to File Missing Parts of Reissue Application.

4) Applicants' attorney received a Second Notice to File Missing Parts of Reissue Application dated April 25, 2002 (Exhibit 4). This Notice instructed Applicants to file the reissue specification in double-column format.

5) On June 25, 2002, Applicants' attorney filed a Response to Second Notice to File Missing Parts of Nonprovisional Application. Included in this Response were the copy of U.S. Patent No. 5,936,451 in double-column format, as well as a showing of evidence that this item was previously filed in this application. A copy of Applicants' Response to Second Notice to File Missing Parts of Nonprovisional Application is attached hereto as Exhibit 5.

6) We enclose as Exhibit 6 the PTO stamped returned postcard from our Response to Second Notice to File Missing Parts of Nonprovisional Application.

7) From the foregoing, it can be seen that Applicants met all requirements in the filing of this reissue application, and respectfully request that the Notice of Abandonment Under 37 CFR 1.53(f) or (g) be withdrawn.

8) Because this Notice of Abandonment Under 37 CFR 1.53(f) or (g) was mailed in error, Applicants do not enclose a petition fee. However, should further payment be required to cover such fees, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

DATED this 23<sup>rd</sup> day of February, 2004.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



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Enclosures